

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

SEAN P. MITCHELL,

Case No. 2:15-cv-01449-SB

Plaintiff,

v.

FINDINGS AND  
RECOMMENDATION

JOHN MYRICK, et al.,

Defendants.

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**BECKERMAN, Magistrate Judge.**

Plaintiff, formerly an inmate at Two Rivers Correctional Institution, brings this civil rights action pursuant to 42 U.S.C. § 1983.

On September 29, 2015, this Court issued orders granting Plaintiff's application to proceed *in forma pauperis*, and dismissing his complaint for failure to state a claim. ECF Nos. 4 & 5. On October 16 and 19, 2015, the U.S. Postal Service returned the orders as undeliverable because Plaintiff had been paroled. ECF Nos. 6 & 7.

On December 10, 2015, this Court issued an order (ECF No. 8) requiring Plaintiff to submit a change of address, or to show cause why this action should not be dismissed for lack of

prosecution. That court order was also returned as undeliverable by the U.S. Postal Service. *See* Returned Mail (ECF No. 9).

Pursuant to Local Rule (LR) 83-10, a party not represented by counsel has a continuing responsibility to notify the clerk's office of any mailing address changes. When mail from the court is returned as undeliverable due to the lack of a current address, and the party's failure to notify the court of a change of address continues for 60 days, the court may dismiss the action. LR 83-12.

Plaintiff has failed to keep the court apprised of his current address, and the failure has continued for more than 60 days. Accordingly, this Court recommends that the district judge dismiss this proceeding, without prejudice, for lack of prosecution. *See* LR 83-12.

#### SCHEDULING ORDER

The Findings and Recommendation will be referred to a district judge. Objections, if any, are due fourteen (14) days from service of the Findings and Recommendation. If no objections are filed, the Findings and Recommendation will go under advisement on that date. If objections are filed, then a response is due fourteen (14) days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will go under advisement.

DATED this 25<sup>th</sup> day of January, 2016.

  
STACIE F. BECKERMAN  
United States Magistrate Judge